

# AMERICAN BAR ASSOCIATION JOURNAL TOPICAL INDEX

Year 1940 (Volume XXVI)

*A Topical Index of the Journal for Volumes I to XXIII, both inclusive, covering the period ended December 31, 1937, was printed in the 1937 Annual Report (Volume 62), pages 1573 to 1696; Index for Volume XXIV was printed in the January, 1939, issue of the Journal and in the 1938 Annual Report (Volume 63), pages 1129 to 1137. The Index for Volume XXV was printed in the December, 1939, issue of the Journal and in the 1939 Annual Report (Volume 64) pages 953 to 960. The following indices are for the calendar year ended December 31, 1940. The items marked with an asterisk indicate a leading article on the subject.*

## Administrative Agencies:

Book Review—National Railroad Adjustment Board, 430  
Delegation of legislative power, 569  
\*Federal Trade Commission Procedure, 342  
Federal Trade Commission, power to discipline attorneys challenged, 508  
Immunity from garnishment proceedings, 253  
\*Judicial Review of Administrative Agencies, 5  
Logan-Walter Bill, 446, 505, 980  
Scope of judicial review of administrative actions, 244

## Administrative Law:

\*Administrative law as a part of our governmental process, 552  
Attorney General's Committee on Administrative Procedure, 283, 465  
Bill, minority report of House committee, 298  
\*Federal Administrative Law Bill, 194  
Hearings, 632  
Institute on, 748  
\*Procedural Reform in, 465  
See also, American Bar Association, Administrative Law, Committee on

## Admiralty Law:

Book Reviews—English Navigation Laws, 269; Handbook of Admiralty Law in the United States, 607; Model Ocean Bill of Lading, 917  
Inland rules of navigation, 177  
Maritime liens, 584  
See also American Bar Association, Admiralty and Maritime Law, Committee on

## Admissions to the Bar:

Diploma privilege, 881  
Fraud in procuring, 185  
Kentucky, 356  
Oklahoma, 743  
Pennsylvania, 187  
See also American Bar Association, Legal Education and Admissions to the Bar, Section of  
Ade, George, 914  
Albertworth, Edwin F., 324, 865  
Alien registration, 698  
American Association of Law Libraries, 748  
American Medical Association, 284, 556, 690

## American Bar Association:

\*Achievements of the, 19, 185, 287, 318, 322  
Annual Meeting, 35, 468, 557, 590, 595, 637, 661, 688, 782, 784, 756, 770, 782, 821, 890  
Assembly delegates, 758  
Board of Elections, 18, 186, 265, 349, 448, 631  
Committees:  
Administrative Law, 104, 830  
Admiralty and Maritime Law, 823, 836  
American Citizenship, 834  
Bill of Rights, 104, 118, 379, 823, 825  
Budget, 108, 891  
Commerce, 896  
Customs Law, 827  
Economic Condition of the Bar, 110, 833  
Facilities of the Law Library of Congress, 828  
Judicial Salaries, 836  
Judicial Selection and Tenure, 826  
Jurisprudence and Law Reform, 881  
Labor, Employment and Social Security, 108, 834  
Law Lists, 104, 984  
Legal Aid, 108, 899  
National Defense, 754, 834, 864, 898

Professional Ethics and Grievances, 111, 831  
Public Relations, 829  
Rules and Calendar, 108, 843  
Unauthorized Practice of the Law, 104, 112, 340, 695, 834  
Ways and Means, 839  
Committees, roster of, 869  
Constitution, amendments to, 675, 765, 821  
Endowment fund discussion, 832  
House of Delegates, actions of, 781, 821  
House of Delegates, mid-winter meeting, 41, 99, 123, 146, 843  
Journal, letters of comment on, 193, 275, 371, 451  
Medal presented to Roscoe Pound, 782, 800  
Nomination of officers and governors, 122, 146, 195  
Nominating petitions, 267, 370, 449  
Reorganization of, 230  
Sections:  
Bar Organization Activities, 62, 122, 129, 387, 408, 837  
Criminal Law, 181, 841  
Insurance Law, 758  
International and Comparative Law, 111, 114, 116, 338, 462, 697, 820, 859  
Judicial Administration, 117, 837  
Legal Education and Admissions to the Bar, 114, 799  
Municipal Law, 696, 839  
Patent, Trade-Mark and Copyright Law, 111, 114, 837, 840  
Real Property, Probate and Trust Law, 844  
Taxation, 117, 835  
Sections, roster of, 871  
State delegates, 349, 448, 624, 631

## American Law Institute:

Annual meeting, 386, 471  
Council meeting, 299  
Restatement, *see* under that title  
Restatements, use of by courts, 833  
Work of, 858  
Youth Correction Authority Act, 477  
American Medical Association, 384, 556, 600, 818  
\*Argument of an Appeal, The, 895  
Armstrong, Walter P., 556, 784  
\*Arrest, Investigating the Law of, 151  
Balter, Harry Graham, 148  
Banking Act, National, 599

## Bankruptcy:

Act of 1898, 232  
Chandler Act, appellate procedure under, 336  
Corporate reorganizations, 574  
Effect of filing petition under Section 75 of Act, 173  
Foreclosure proceedings in state court, 520  
Foreclosure of liens on debtors property, 586  
Jurisdiction to adjudicate questions of title, 434  
Municipal corporations, 923  
Power of district courts to disallow claims, 71  
Procedure under Section 75 of Bankruptcy Act, 77  
Railroad reorganizations, 528

## Bar Associations:

Award of Merit to, Committee on, 222, 790  
Akron, (Ohio), 376; Allegheny Co. (Pittsburgh), 486; Baltimore, 97; Boise, Idaho, 456; Boston, 94, 953; Buffalo, 198; Chicago, 98; Cincinnati, 456, 546; Cleveland, 95, 377, 457, 547, 639; Columbian Co. (Ohio), 847; Columbus, 457; Dallas, 378; Detroit, 96, 751; Federal, 374, 469, 497, 950; Hawaii, 754; Houston, 458; Inter-American, 338, 628, 707, 741, 752, 885, 949; Los Angeles, 96, 878; Louisville, 379; Memphis and Shelby Co., 375; Milwaukee, 97; Minneapolis, 97; New Orleans, 380, 458;

New York City, 379, 459, 546, 888; New York County, 192, 459, 818; Onondaga Co. (Syracuse), 376; Philadelphia, 94; Philippines, 950; Ramsey Co. (St. Paul), 376; Seattle, 97; Toledo, 379, 459, 548.  
Large city, 43  
Lawyer reference plan, Chicago, 281  
Legal service bureaus, 125  
Public relations, 311  
Reference bureaus, 57  
Regional Conferences, Atlanta, 408; Chicago, 62; Des Moines, 62; Louisville, 62, 310; New Orleans, 580; New York, 387  
Rosters, 83  
Strength of, 27  
\*What a Local Bar Can Do, 358  
Bates, Henry M., 107  
Bates, Sanford, 184  
Beardsley, Charles A., 2, 906, 308, 462, 785  
Bell, Laird, 552  
Bentley, Fay L., 467  
Bergdolt, Grover C., 551  
Bias, certificate of, 813  
Biddle, Francis, 115, 795

## Biography:

Lashly, Jacob M., 127  
Maguire, Robert F., 137  
Slaton, John M., 127  
Smith, Sylvester C., Jr., 199  
Book Reviews—Benjamin N. Cardozo: American Judge, 879; The Life of Sir Edward Clarke, 150; Gustave Stresemann: His Diaries, Letters and Papers, 807; The Life of Mr. Justice Swift, 428; Stage and Bar: Recollections of George Pleydell Bancroft, 418

Blackstoniana, Carson collection, 700  
Borah, William E., 199  
Brazil, Bar of, 883, 964  
Bridges case, 194  
Brockington, Leonard W., 730, 732, 738  
Building and loan associations, state regulation, 627  
Bullard, F. Lauriston, 210, 318  
Butler, Charles Henry, 200  
Canadian Constitutional Decisions of the Judicial Committee of the Privy Council, 1920 to 1939, book review, 32  
Carson collection of Blackstoniana, 700  
Cases before Supreme Court of United States  
See Supreme Court of the United States  
Celler, Emanuel, 298  
Chandler, Henry P., 793  
\*Chisholm v. Georgia, and the British Creditor, 406

## Civil Liberties:

Bill of Rights Review, 600  
Flag salute case, 577  
See also American Bar Association, Bill of Rights, Committee on  
Clark, Grenville, 888  
Clark, J. Reuben, Jr., 901  
Commercial Law Journal, 799  
Commercial Law League, 696  
Commissioners on Uniform State Laws, 818  
Community Land Planning Legislation, The Master Plan, book review, 39  
\*Conscription, Legal Basis for, 701

## Constitution of the United States:

\*Amendments to the Federal Constitution, 617  
Book Reviews—Constitutional History of the United States, 1826-1876, 607; Studies in the Adequacy of the Constitution, 538.  
\*Constitution—Revised Version, 234  
\*The Constitution Today, 255  
\*Constitutionalism, The New, 865  
\*Constitutional Government, Democracy and, 58

# AMERICAN BAR ASSOCIATION JOURNAL

## Constitutional Law:

Equal protection, 984  
 "Equal Rights" Amendments, Woman Lawyer Defends, 556  
 Fifth Amendment, 569  
 Freedom of speech, 517  
 Freedom of religion, interference by state with, 572  
 Washington symposium on, 464  
 Water diversion, 586  
 \*Contempt: Right of Judiciary to Punish by Publication, 148

## Courts:

Administrative Office of United States Courts, 478, 723  
 Children's conciliation, 2  
 "Courts and American Democracy, The, 130  
 Court-House of the District of Columbia, book review, 30  
 Federal, power to review state administrative actions, 587  
 Jurisdiction to adjudicate cross-claims against the United States, 440  
 Radio "courtroom" trials, 185  
 Territorial courts and legislatures, power of, 445  
 Texas Supreme Court, 192

## Criminal Law:

\*Arrest, Investigating the Law of, 151  
 Book Reviews—Antiquities of Bail, Origin and Historical Development in Criminal Cases to the Year 1875, 680; Appeals in Criminal Cases, 298; Crime and Punishment in the Old French Romances, 409; A History of Criminal Syndicalism Legislation in the United States, 288; Parole with Honor, 401; Robbery by Mail, 100  
 \*Guilty—Then What? 397  
 Subpoena, *duces tecum*, 336  
 Damages, Cases on the Law of, book review, 879  
 Darr, Sefton, 253  
 Davis, John W., 805  
 de Fontoura, J. Neves, 954  
 Deller, Anthony William, 13  
 "Democracy and Constitutional Government, 52  
 Democracy, In Defense of, book review, 480  
 De Muth, Laurence W., 799  
 Dickinson, Edwin D., 479  
 Douglas, William O., 683, 686, 693  
 \*Draftsmanship, Judicial, 3

## Due Process:

Confessions obtained by coercion, 587  
 Confessions of guilt, 243  
 Psychopathic personalities procedure, 388  
 Restraint in religious privileges, 578  
 Right to counsel in criminal cases, 176  
 Validity of state oil proration orders, 587  
 Duma, The Second, book review, 806

## Economic Condition of the Bar:

Michigan survey, 880  
 Fees, Cleveland bar proposal, 718  
 \*Lawyers increase, law suits diminish, 414  
 See also American Bar Association, Economic Condition of the Bar, Committee on Eminent domain, 77, 253, 578  
 England, Salute to the Bar of, 773  
 Enrollment allowances, 588  
 Ethics, Legal, *see* Legal Ethics  
 Evans, Earle Wood, 790, 808

## Evidence:

\*Administrative Procedure, 491  
 Code of, editorial, 241  
 \*To What Extent May Courts Under Rule-Making Power Prescribe Rules of, 482, 601, 639  
 Wigmore on Evidence, book review, 919  
 Wire tapping, 78  
 F. B. I. National Police Academy, 758  
 \*Federal Trust Indenture Act of 1939, Responsibility of Trustees Under the, 290  
 Fees, contingent, 55, 128  
 Fenton, Walter S., 647, 809  
 \*Fielding, Henry and Sir John—The Legal Career and Influence of, 725  
 Fishbein, Dr. Morris, 149  
 Foulias, Ronald J., 291  
 \*Freedom of Speech and Propaganda, 795  
 Freer, Robert E., 349  
 \*French Bar and the War, 239  
 French Bar, Salute to the, 555  
 Gaffney, Joseph P., 755  
 Gardner, John C., 774  
 Garrison, Lloyd K., 215, 293  
 Gellhorn, Walter, 465  
 Gentleman, The Danger of Being a, book review, 804  
 Goldman, Mayer C., 109  
 Goodrich, Herbert F., 475

## Government:

Book Reviews—American Government and Politics, 161; Grants-in-Aid under the Public Work Administration, 24  
 Deposits of funds of agencies, 439  
 \*Government Counsel and Their Opportunity, 411  
 Justice, Department of, 743  
 Green, Thomas Fitzgerald, Jr., 461, 482  
 Green, William R., 560  
 Gregory, Charles O., 709  
 Gregory, Tappan, 142  
 Grimson, Gudmundur, 397, 505  
 Grinnell, Frank W., 725  
 Hand, Learned, 480  
 Hannah, Paul F., 404  
 Harno, Albert J., 651, 800  
 Hatch Bill, 632  
 Havana Conference, 697, 699  
 Holtzoff, Alexander, 45, 391  
 Horner, Henry, 893  
 Housing in Russia, 188  
 Hughes, Chief Justice Charles E., 206, 472  
 Hull, Cordell, 514  
 Humes, Augustine L., 846  
 Ideas are Weapons, book review, 607  
 Indian lands, illegally imposed state taxes, 79

## Institutes, Legal:

Administrative law, 742  
 Evidence, 308  
 Florida, 56  
 Judicial research, 708  
 Practicing Law Institute of New York City, 271  
 Selection of Judges, 231  
 Speakers, 1  
 University of Michigan, 447

## Insurance Law:

Assignment of Life Insurance Policies as Collateral, book review, 35  
 Forum at annual meeting on federal regulation of, 900  
 Life underwriters and lawyers, 277  
 State regulation of contracts, 584  
 See also American Bar Association, Insurance Law, Section of

## Integrated Bar:

General, 320  
 Louisiana State Bar Act, 508  
 Ohio, 631  
 Present status among the states, 653  
 Support of, 308  
 Wyoming, 546

## International and Comparative Law:

American Institute of International Law, 707  
 American Society of International Law, annual meeting, 463  
 Book Reviews—American Neutrality: Trial and Failure, 878; British Year Book of International Law, 33; Giddy Minds and Foreign Quarrels, 28; Insurgent Governments, Responsibility of States for Acts of, 163; Law, the State, and the International Community, 587; Pacific Coastal Fisheries, Report on the International Law of, 163; War and Peace, Psychological Aspects of, 164  
 Foreign Affairs, Factual Aspects of, 658  
 Havana Conference, 697  
 \*Havana meeting, Significance of, for American Republics, 699  
 \*Hemisphere Zone of Security and the Law, 860  
 \*Iceland and the Americas, 505  
 \*Informal report on an Unidentified Comparative Law Congress, 10  
 \*Latin-American Legal Study, 705  
 \*Modern International Law, Aspects of, 164  
 Monroe Doctrine, 849  
 \*Nationality Act of 1940, 988  
 Nationality laws, 697, 859  
 Neutrality laws unit, Department of Justice, 467  
 Pan American Union, 745  
 \*Three Hundred Mile Neutral Belt in International Law, 227

## Interstate Commerce:

Applicability of act to loading and unloading of livestock, 74  
 Approval of railroad lease, 75  
 Carriers, qualifications and hours of employees, 584  
 Power of commission to prevent unjust discrimination, 572

\*Power of Congress to Regulate Interstate Commerce, Trend of Decisions Respecting, 846  
 Production and marketing of milk, 67  
 State gasoline taxes, 247  
 Telephone rates, 253  
 Jackson, Joseph, 468, 557, 637  
 Jackson, Robert H., 112, 204, 411  
 Johnson, Sveinbjorn, 506  
 Jones, Marvin, 560

## Judicial Administration:

Judicial Administration and National Defense, 922  
 Judicial Code, intervention by states, 698  
 Judicial Conferences, 343, 767, 853, 884  
 Judicial research, institute on, 708  
 Junior Bar survey, 403  
 Research in, committed on, 631  
 See also American Bar Association, Judicial Administration, Section of

## Judiciary:

Campaign funds, 504  
 Book Reviews—A Judge Comes of Age, 915; The Machinery of Justice in England, 539; Judicial Power of the United States, 916  
 Decisions, volume of judicial, 622  
 \*Doctrine of Judicial Precedent in American Law and Scots Law, 774  
 Good behavior bill, 288, 760  
 House of Lords as judicial body, 693  
 \*Judicial Draftsmanship, 3  
 Kinship to counsel, 234  
 Manton case, 416  
 Selection of judges, Missouri plan, 221

## Junior Bar:

Conference, activities of, 61, 144, 285, 309, 403, 510, 588, 677, 731, 814, 883, 941  
 Judicial administration survey, 403  
 New York City meeting, 510  
 Public Information Program, 309, 588, 833  
 Regional meeting, Atlanta, 309  
 \*Jurisprudence, On Reading and Using the New, 200  
 Justice, Department of, 748  
 Katz, Wilbur G., 290  
 Knight, George S., 938

## Labor:

Child, 227  
 Minimum wages, determination of, 519  
 Operation of state safety regulations in federal areas, 258  
 See also American Bar Association, Labor, Employment and Social Security, Committee on

## Labor Relations:

Act, union standing to press contempt charges, 330  
 Board:  
 Bargaining units, power to select appropriate, 920  
 Collective bargaining representative, power of board over election of, 169  
 Employer-dominated union, 69  
 Extent of authority, 924  
 Findings and orders, 845  
 Jurisdiction of, 588  
 Proceedings, 168  
 Unfair labor practices, power to prevent, 881  
 Book Reviews—Independent Labor Organizations and the National Labor Relations Act, 807; Industrial Conflict: A Psychological Interpretation, 808; Legislative Background of the Fair Labor Standards Act, 871; National Labor Relations Board Cases, 807; Social Change and Labor Law, 270  
 \*Peaceful Picketing and Freedom of Speech, 709  
 Picketing, 517  
 Ladd, Mason, 398  
 Lambertson, Robert, 756  
 Landis, James M., 194  
 Lark, Charles T., 229  
 Lashly, Jacob M., 187, 753, 792, 894, 922  
 Latin-American Legal Study, 705  
 Lavery, Urban A., 470

## Law:

Books and Lawyers, 943  
 Books, growing cost of, 48  
 Book Reviews—Contemporary Juristic Theory, 876, 899; Law: A Century of Progress, 266; The Law in Quest of Itself, 808; Practicing

## TOPICAL INDEX—1940

Law: When, Where and How, 88; When Civil Law Fails: Martial Law and Its Legal Basis in the United States, 88; You Be the Judge, 915  
 Ideas and the, 651  
 \*Jurisprudence, On Reading and Using the New, 418  
 \*Office Organization, 393, 494, 610, 648  
 Libraries, American Association of, 748  
 Library Association of Greater New York, 452  
 Library of Congress, 707  
 Reporting in England, 626  
 Revision of, 819

### Law Lists:

Approved, 632, 845, 937  
 See also American Bar Association, Law Lists, Committee on

### Law Reports:

California, 1  
 England, 518, 567

### Law Schools:

Association of American, 27, 156, 894.  
 Decrease in enrollment, 615

### Lawyers:

Art of living and, 501, 789, 854  
 Book Reviews—Country Lawyer, 28; These Middlesonic Attorneys, 428; Life of a Country Lawyer in Peace and War Time, 28  
 Cards, 847  
 Confidential communications, 616  
 Contracts with clients, 503, 504  
 Eligibility in divorce and habeas corpus proceedings, 618  
 Fable in Slang, A, 914  
 Internship plan for young lawyers, 718  
 Lawyers and their home communities, 590  
 \*Lawyer and the Public Service, The, 623  
 \*Lawyers Can Help Meet Great Issues, 561  
 Lawyers increase—law suits diminish, 414  
 Limitation upon activities of younger lawyers, 504  
 National defense and, 623, 631  
 National unity and, 666  
 Neighborhood law offices, 347  
 Oath, 127  
 Partnership between laymen and, 615  
 Practicing lawyer and valid legal scholarship, 991  
 Reference service, 624  
 Refusal to waive immunity, 614  
 Underwriters and, 281

### Legal Aid:

Australian soldiers, 744  
 \*Legal Service for Low-Income Groups in Sweden, 298  
 New York Legal Aid Society, 487  
 Small litigants, 285  
 See also American Bar Association, Legal Aid, Committee on

### Legal Education:

Harvard's seven-year course, 814  
 Internship plan, 718  
 Two Years' college requirement, 501  
 See also American Bar Association, Legal Education and Admissions to the Bar, Section of

### Legal Ethics:

Advertising, 58, 232, 811  
 Attorney must testify in court investigation, 496  
 Canons of, 135  
 Department, 57, 185, 231, 346, 496, 508, 618, 679, 717, 811, 880  
 Disbarment, 58, 231, 346, 679, 717, 811, 880.  
 \*Fair Play in Bar Discipline, 142  
 Lawyers as witnesses, 717  
 Opinions of committee on, 283, 615  
 Suspension, 427  
 See also American Bar Association, Professional Ethics and Grievances, Committee on

### Legal History:

Book Reviews—John Hanson and the Inseparable Union, 21; Roll of the Justices in Eyre for Yorkshire, 1818-19, 168; Select Cases in the Court of King's Bench Under Edward I, Vols. II and III, 162.  
 Legal Periodicals, summaries of article in, 165, 278, 289, 430, 542, 608, 681, 715, 818, 941

### Legal Profession:

Book Reviews—The Bar of Other Days, 806; Professional Conduct and Advocacy, 691; Within the Law, 680  
 \*Government Counsel and Their Opportunity, 411  
 \*Legal Service, The Problem of Undone, 38  
 Legal service bureaus, 39, 110  
 Low cost legal service, editorial, 147  
 \*Legal Service for Low Income Groups in Sweden, 215, 293

### Legislation:

Banking Act, National, 529  
 Bituminous Coal Act of 1937, 569  
 Communications Act, 244, 446, 934  
 Elkins Act, legality of allowances to shippers, 175  
 Federal Motor Carrier Act of 1935, 529  
 Hatch Bill, 632  
 Immigration, 200  
 Longshoremen's and Harbor Workers' Compensation Act, 337  
 Miller Act, 938  
 Mississippi Flood Control Act, 77  
 Public Contracts Act, 519  
 Raker Act, 528  
 Revenue Act of 1928, 926  
 Revenue Act of 1932, 576, 929  
 Revenue Act of 1934, 333  
 Satterfield Bill, 947  
 Tariff Act of 1930, 568  
 Lewis, William Draper, 474  
 Liability for Animals, book review, 269  
 \*Lincoln, Abraham, and the Statehood of Nevada, 310, 313  
 Lincoln and Douglas as Counsel on the Same Side, 214  
 Llewellyn, Karl N., 38, 300, 418  
 Lockwood, Alfred C., 413  
 Loesch, Frank J., 691  
 Logan-Walter Bill, 509  
 London Letter, 133, 244, 511, 567, 654, 802, 935  
 London, Unconquerable Spirit of, 923  
 McCarthy, D. L., 788  
 McGuire, O. R., 124  
 Magna Carta, 37, 855  
 Maguire, Robert F., 197  
 Mail, Robbery by, book review, 160  
 Manton case, 416  
 Martin, Arthur T., 742  
 Masterson, William E., 860  
 Matrimonial Shoals, book review, 681  
 \*Medical Plans for Low Income Groups, 149  
 Medicine, group practice, 882  
 Meyer, Carl L., 57  
 Mickelwait, Claude B., 701  
 Miller Act, 938  
 Miller, Elmer C., 238  
 Miller, Justin, 5  
 Millis, Harry A., 947  
 Mississippi Flood Control Act, 77  
 Monroe Doctrine, 540  
 Municipal law publication: Legal Notes on Local Government, 959  
 Murphy, Frank J., 190  
 Murray, Alfred F., 592  
 National bank's liability to receiver, 259

### National Defense:

\*Armament Program, Legal Aspects of the, 856  
 \*Conscription, Legal Basis for, 701  
 Defense of free institutions, 791  
 Democracy and the draft, 790  
 District of Columbia Bar Association, committee on, 880  
 \*Hemisphere Zone of Security and the Law, 860  
 \*Judicial Administration and National Defense, 922  
 Lawyers and, 920  
 Lawyer-Soldiers, 859  
 Resolution on appointment of committee on, 759  
 Selective service system, 819  
 See also American Bar Association, National Defense, Committee on  
 Nationality laws, 897, 899  
 Neighborhood law offices, 95, 292, 347  
 Nelson, Murry, 17  
 Newspaper discussions of pending cases, 238  
 Nomenclature, note on art of, 744  
 \*Office, Organization, Law, 393, 494, 610, 648  
 O'Mahoney, Joseph C., 907  
 Orfield, Lester H., 398  
 Pan American Union, 745  
 Parker, John J., 89  
 Parliament, book review, 536

### Patent, Trade-Mark and Copyright Law:

\*American Patent System, 18  
 Apportionment of profits from infringements, 488  
 Expert Witnesses, 786  
 Intervening rights of innocent users, 888

Lawful monopoly limitations, 488  
 Price Control Under Fair Trade Legislation, book review, 273  
 \*Witnesses, on the use of expert, 786  
 See also American Bar Association, Patent, Trade-Mark and Copyright Law, Section of  
 Patterson, Robert P., 536  
 Payen, Fernand, 239  
 Pennsylvania, University of, 200th anniversary, 719

Pepper, George Wharton, 479  
 Philadelphia, City of, 468, 557, 687  
 Phillips, Herbert S., 878  
 Phillips, Orie L., 130  
 Pink, Louis H., 900  
 Pittman, Key, 946  
 Politics, Prologue to, book review, 587  
 Postmaster's bond, action on, 252  
 Pound, Roscoe, 800  
 Prima Facie Case, How to Prove a, book review, 31  
 Pratt, Harry E., 214  
 \*Prison Management a Career? 184

### Procedure:

\*Administrative, Practical Problems of, 491  
 Appeal on state and federal constitutional questions, 439  
 Appellate, citation on appeal, 177  
 \*Arizona, Uses Federal Court Practice as Model, 413  
 Circuit Court of Appeals, 89  
 Civil, Colorado Code of, 546  
 Criminal, Federal, 78, 589  
 Federal, preliminary injunctions, 236  
 Federal rules of,  
 Amendment to, 178  
 Decisions on, 89, 179, 256, 359  
 Federal Rules Service, book review, 271  
 Finding decisions on the, 458  
 General, 417  
 Pretrial, 48, 447, 698  
 \*Pretrial Procedure—Some Practical Considerations, 598  
 \*Procedural Rules When Government Is Litigant, 391  
 Psychopathic personalities, 238  
 Res judicata, defense of, 78  
 \*Rules of Civil Procedure, Should They Be Adopted in Florida, 878  
 \*Twelve Months Under the New Rules of Civil Procedure, 45  
 Three-judge courts, jurisdiction of, 585  
 Public Contracts Act, 519  
 Public Policy, book review, 538  
 Quarles, James, 617  
 Radin, Max, 19, 185, 237, 218  
 Radio and the court, 58  
 \*Radio Broadcast, Defamatory Interpolations in, 490  
 Radio broadcasting licenses, 446  
 Railroad: reorganizations under Sec. 77 of Bankruptcy Act, 698  
 Ransom, William L., 800

### Real Property, Probate and Trust Law:

Book Reviews—Registration of the Title to Land in the State of New York, with supplements, 158; The Right of Property, 348; Scott on Trusts, 339  
 Landlord and tenant court, 467  
 Torrens land registration, 159, 269, 451  
 See also American Bar Association, Real Property, Probate and Trust Law, Section of  
 Reeder, Robert P., 368  
 Registration of aliens, 698  
 Res Judicata, 73, 167, 435, 925

### Restatement of the Law:

Evidence, 476  
 Judgments, 474  
 Junior Bar Committee on annotating the, 408  
 Restraint of trade, 284, 515, 556, 690  
 Riedl, Charles Anthony, 601  
 Rigby, William Catron, 741  
 Rogers, Edward S., 10  
 Rogers, James Grafton, 694, 800

### Ross Essay Contest:

Contest subject for 1940, 68  
 Contest subject for 1941, 787, 845, 940  
 General, 500  
 To What Extent May Courts Under the Rule-Making Power Prescribe Rules of Evidence, 488 (prize essay), 601, 689  
 Winner, Thomas Fitzgerald Green, Jr., 461  
 Rowe, L. S., 699

### Sherman Anti-Trust Act:

Application to sit-down strikes, 579  
 Conspiracies by milk producers and distributors, 67  
 Conspiracy to raise prices, 515  
 Proceedings involving labor disputes, 897

# AMERICAN BAR ASSOCIATION JOURNAL

Slaton, John Marshall, 127  
 Smith, Reginald Heber, 393, 494, 610, 648  
 Smith, Sylvester C. Jr., 129  
 Social Thought, A Century of, book review, 268  
 Soviet Housing Law, book review, 188  
 \*Stare decisis, doctrine of, 774

## State Bar Associations:

Alabama, 749; Arizona, 545; Arkansas, 627; Colorado, 886; Delaware, 750; District of Columbia, 109, 281; Florida, 645; Georgia, 688; Idaho, 750; Illinois, 2, 627; Iowa, 749; Kansas, 628; Kentucky, 454; Louisiana, 629; Michigan, 950; Minnesota, 749; Mississippi, 750; Montana, 887; Nebraska, 198; New Hampshire, 751, 952; New Jersey, 688; New Mexico, 952; New York, 280; North Carolina, 460, 951; North Dakota, 951; Oklahoma, 196; Oregon, 374; Pennsylvania, 689; Texas, 689; Utah, 197; Vermont, 887; Virginia, 886, 951; Washington, 887; West Virginia, 374, 886, 951; Wisconsin, 751  
 State boundaries, prescription and acquiescences, 586

## State Statutes:

Building and loan association regulation, 527  
 Limitation of actions, 335, 587  
 Regulation of insurance contracts, 524  
 Regulation of two story trucks, 529  
 \*Statutory Revision in Florida, 498  
 Texas anti-trust law, 526  
 Statutes, effect of statute passed pending appeal, 246  
 Stein, Jay J., 639  
 Stephens, Charles B., 123  
 Summers, Hatton W., 286, 760, 784  
 Superville, Manuel Fernandez, 949

## Supreme Court of the United States:

Cases Reviewed *See table below*  
 Certiorari to review state court judgment, 177  
 Court rules and criminal procedure, 657  
 Douglas, Justice William O., 633, 636, 693  
 Fuller, Melville W., 691  
 Hughes, Chief Justice Charles E., 203, 472  
 Justices of the Supreme Court of the United States, list of, 207  
 Locations of the, 368  
 Miller, Mr. Justice, and the Supreme Court, book review, 59  
 Modification of decree of, 445  
 Murphy, Justice Frank, 107  
 One hundred and fiftieth anniversary, 171, 199, 203  
 Opinions, copies of, 222, 620  
 Reorganization proposal, 229  
 Rule-making power in federal criminal procedure, 589  
 Stone, Justice Harlan F., 463  
 Strength of, editorial, 240  
 \*Tradition and Judicial Review, 208  
 Tariff provisions, flexible, 568

## Cases Before Supreme Court of the United States Reviewed:

Amalgamated Utility Workers v. Consolidated Edison Co. of New York, 330  
 American Federation of Labor v. National Labor Relations Board, 168  
 American Unity Mutual Life Insurance Co. v. City of Avon Park, Florida, 933  
 Anderson v. Helvering, 576  
 Apex Hosiery Co. v. Leader, 579  
 Arkansas v. Tennessee, 586  
 Avery v. Alabama, 176  
 Bell Telephone Co. of Pennsylvania v. Pennsylvania Utility Commission, 253  
 Board of County Commissioners of Jackson County, Kansas, v. U. S., 79  
 Bonet v. The Texas Co. (P. R.) Inc., 176  
 Borchard v. California Bank, 586  
 Bruno v. U. S., 78  
 Buckstaff Bath House Co. v. McKinley, 80  
 Cantwell v. Connecticut, 578  
 Carpenter v. Wabash Railroad Co., 246  
 Chambers v. State of Florida, 249  
 Chico Co. Drainage District v. Baxter State Bank, 167  
 Cities Service Oil Co. v. Dunlap, 80  
 City of Yonkers v. Downey, 529  
 Cobbedick v. U. S., 336  
 Colorado National Bank of Denver v. Bedford, 530  
 Continental Assurance Co. v. Tennessee, 933  
 Dampakibaselskabet Dannebrog v. Signal Oil & Gas Co., 884  
 Danforth v. U. S., 77  
 Danforth v. Greaney, 258  
 Delaware River Joint Toll Bridge Commission v. Colburn, 578  
 Dickinson Industrial Site v. Cowan, 336  
 Ethyl Gasoline Corporation v. U. S., 432  
 Ex parte Bransford, 585  
 Federal Communications Commission v. Columbia Broadcasting System of California, 934

Federal Communications Commission v. Pottsville Broadcasting Co., 244  
 Federal Communications Commission v. Sanders Bros. Radio Station, 446  
 Federal Housing Administration, Region No. 4 v. Burr, 253  
 Fisher v. Pauline Oil & Gas Co., 332  
 Fleisher Engineering & Construction Co. and Joseph A. Bass Co. v. U. S. for use and benefit of George S. Hallenbeck, 933  
 Ford Motor Co. v. Beauchamp, 80  
 General American Tank Car Corp. v. El Dorado Terminal Co., 175  
 Germantown Trust v. Commissioner of Internal Revenue, 336  
 Griffiths v. Helvering, 79  
 Haggard Company v. Helvering, 176  
 Hansberry v. Lee, 925  
 Helis v. Ward, 80  
 Helvering v. Bruun, 437  
 Helvering v. Clifford, 333  
 Helvering v. The F. & R. Lazarus & Co., 79  
 Helvering v. Fitch, 254  
 Helvering v. Fuller, 522  
 Helvering v. Hallock, 249  
 Helvering v. Horst, 934  
 Helvering v. Kehoe, 445  
 Helvering v. Northwest Steel Rolling Mills, Inc., 929  
 Helvering v. Price, 437  
 Helvering v. Wood, 335  
 Illinois Central Railroad Co. v. Minn., 254  
 Inland Waterways Corp. v. Young, 439  
 International Association of Machinists: Tool and Die Makers Lodge No. 35, etc., petitioners v. N. L. R. B., 930  
 James Stewart & Co. v. Sadrakula, 258  
 John Hancock Mutual Life Insurance Co. v. Bartels, 77  
 J. E. Riley Investment Co. v. Comm. of Internal Revenue, 928  
 Joseph T. Higgins v. John Thomas Smith, 174  
 Kalb v. Feuerstein, 172  
 Kersh Lake Drainage District v. Johnson, 435  
 Le Tulle v. Scofield, 175  
 McCarron v. Dixie Greyhound Lines, Inc., 247  
 McCullough v. Cosgrove, 445  
 McGoldrick v. Berwind-White Coal Mining Co., 250  
 McGoldrick v. Gulf Oil Corporation, 177, 444  
 Madden, Jr., v. Kentucky, 248  
 Maurer v. Hamilton, Jr., 529  
 Mayo v. Lakeland Highlands Canning Co., Inc., 336  
 Milk Wagon Drivers Union v. Lake Valley Farm Products, Inc., 927  
 Miller v. Hatfield, 177  
 Minersville School District v. Gobitis, 577, 698  
 Minn. ex rel Pearson v. Probate Court of Ramsey Co., 338  
 Minn. v. National Tea Co., 439  
 Morgan v. Commissioner of Internal Revenue, 254  
 Nardone v. U. S., 78  
 Nashville, Chattanooga & St. Louis Ry. v. Browning, 585  
 National Labor Relations Board v. Bradford Dyeing Association, 568  
 National Labor Relations Board v. The Falk Corporation, 169  
 National Labor Relations Board v. Newport News Shipbuilding & Dry Dock Co., 69  
 National Labor Relations Board v. Waterman Steamship Corporation, 245  
 National Licorice Co. v. National Labor Relations Board, 331  
 Neuberger v. Commissioner of Internal Revenue, 929  
 Oklahoma Packing Co. v. Oklahoma Gas & Electric Co., 78, 178  
 Osborn v. Orlin, 524  
 Paramino Lumber Co. v. Marshall, 387  
 Pearl E. Deputy v. Pierre S. du Pont, 173  
 Pearson v. McGraw, 70  
 Pepper v. Litton, 71  
 Perkins v. Lukens Steel Co., 519  
 Postal Steamship Corp. v. Steamship El Isleo, 177  
 Puerto Rico v. Hermanos, 445  
 Railroad Commission of Texas v. Rowan, 587  
 Republic Steel Corporation v. National Labor Relations Board, 924  
 U. S. v. Summerlin, 587  
 Real Estate-Land Title and Trust Co. v. U. S., 177  
 Russell v. Todd, 235  
 Securities and Exchange Commission v. U. S. Realty & Improvement Co., 574  
 Sheldon v. Metro-Goldwyn Pictures Corp., 488  
 Smith v. Texas, 934  
 Sontag Chain Stores Co. v. National Nut Co. of California, 588  
 South Chicago Coal & Dock Co. v. Bassett, 337  
 Sunshine Anthracite Coal Co. v. Adkins, 569  
 Thompson, Trustee, v. Magnolia Petroleum Co., 435  
 Thornhill v. Alabama, 517  
 Tigner v. The State of Texas, 596  
 Tradesmen's National Bank of Oklahoma City v. Oklahoma Tax Commission, 442  
 Union Joint Stock Land Bank v. Byerly, 590  
 Union Stock Yard & Transit Co. v. U. S., 74  
 U. S. v. American Trucking Association, 584  
 U. S. v. Borden Co., 67  
 U. S. v. Chicago Heights Trucking Co., 572  
 U. S. v. City and Co. of San Francisco, 588

U. S. v. Dickerson, 584  
 U. S. v. George S. Bush & Co., Inc., 568  
 U. S. v. Lowden, 75  
 U. S. use Midland Loan Finance Co. v. National Surety Corp., 252  
 U. S. v. Socony Vacuum Oil Co., 515  
 U. S. v. Sponenberger, 77  
 U. S. v. Stewart, 926  
 U. S. v. U. S. Fidelity and Guaranty Co., 440  
 Veix v. Sixth Ward Bldg. and Loan Assn. of Newark, N. J., 587  
 Warren v. Palmer, 524  
 Weiss v. U. S., 78  
 Western Union Telegraph Co. v. Paul Nestor and Juan Charles, 530  
 West India Oil Co. (Puerto Rico) v. Manuel V. Domenech, Treas. of Puerto Rico, 932  
 White v. Texas, 587  
 Whitney v. State Tax Commission of New York, 443  
 Wilson & Co. v. U. S., 933  
 Wisconsin v. Illinois, 445  
 Wyoming v. Colorado, 526  
 Yearsey v. Ross Construction Co., 263

## Taxation:

Bureau of Internal Revenue tax study, 754  
 Capital stock and excess profits under National Industrial Recovery Act, 176  
 Colorado Public Revenue Service Tax Act, 530  
 Corporation Taxation and Procedure in Pennsylvania, book review, 918  
 Cost and percentage depletion, 928  
 Deduction of losses ascertained by sale to corporation wholly owned by taxpayers, 174  
 Deduction of ordinary and necessary expenses, 172  
 Deduction of individual losses from partnership gains, 929  
 Domicile in District of Columbia, 283  
 Estate taxes, 249, 254, 443  
 Income (Federal)  
 alimony, 254, 522  
 obsolescence allowance defined, 177  
 Deduction of loss on contract of guaranty, 437  
 Deduction for depreciation, 79  
 Exemption of gains from dealings in Farm Loan Bonds, 926  
 Recoupment of previously deducted losses, 79  
 Federal Income Tax, book review, 918  
 Findings of Board of Tax Appeals, 445  
 Gifts taxable to donor, 934  
 Oil and gas production, 576  
 Short term trusts, 333  
 Taxable gain defined, 437  
 Venue for review of Board of Tax Appeals decision, 336  
 Income (State)  
 Oklahoma law, 442  
 New York City sales tax, 444  
 Privilege taxes, 933  
 Processing taxes, 933  
 Puerto Rican sales tax, 932  
 Railroad property, 585  
 State franchise tax on corporations, 80  
 Jurisdiction of three-judge courts, 585  
 State tax on bank deposits, 248  
 State tax on railroad earnings, 254  
 State unemployment compensation, 80  
 Surtax on undistributed profits, 929  
 Tax-exempt reorganization, 175  
 Validity of city sales tax as applied to interstate sales, 250  
 Validity of tax on national banks, 442  
 Validity of tax on transfer of property, 70  
 See also American Bar Association, Taxation, Section of  
 Teigan, Martin J., 626  
 Territorial courts, 176  
 Third term issue, 764  
 Thompson, Guy A., 808  
 Tort suits against United States, 284  
 Tribble, Lewis H., 498  
 Tweedsmuir, Lord, 345  
 Umbreit, Kenneth C., 208

## Unauthorized Practice of the Law:

Ambulance chasing, 504  
 Law clerks, 679  
 Lawyer and real estate broker, 840  
 Radio courts, 502  
 Trust institutions, statement of principles, 820  
 Underwriters, life, 231  
 See also American Bar Association, Unauthorized Practice of the Law, Committee on Uniform Simultaneous Death Act, 841  
 Vance, John T., 705  
 Vold, Lawrence, 490  
 Walter-Logan Bill, 509, 920  
 Warner, Sam Bass, 151  
 Western Union Telegraph Company money order contract clause, 530  
 White, William Allen, 888  
 Wickes, Philip J., 320  
 Wigmore on Evidence, book review, 919  
 Wild, Payson S., Jr., 237  
 Wire tapping, 698  
 Woman and the Law, 157, 354, 356, 451, 534  
 Yankwich, Leon R., 736

18  
Na-

, 440  
n. of

Nes-  
anuel  
32  
New

754  
Na-

530

Penn-

> cor-  
74  
ex-

rtner-

ranty,

Farm  
osses,

45

ppels

to in-

70  
Taxa-

s, 820  
author-  
on

money

334